

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1141-AIR-E TCEQ ID: RN100219526 CASE NO.: 34197**  
**RESPONDENT NAME: Texas Petrochemicals LP**

Page 1 of 3

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Texas Petrochemicals Houston Facility, 8600 Park Place Boulevard, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are five pending enforcement actions regarding this facility location. 2007-1791-AIR-E; 2007-1675-AIR-E; 2007-1628-AIR-E; 2007-1510-AIR-E; and 2007-1993-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 22, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Ms. Kristine Aparicio, Environmental Manager, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017  Mr. Christopher A. Artzen, Vice President General Counsel, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigations Relating to this Case:</b> June 16, 2007 and August 23, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 6, 2007 and September 7, 2007 (NOE)</p> <p><b>Background Facts:</b> These were routine record reviews.</p> <p><b>AIR</b></p> <p>1) Failure to comply with the following emissions limits for Engine 20G-437: 1.13 pounds per hour ("lbs/hr") of nitrogen oxides ("NOx"), 0.28 lbs/hr of carbon monoxide ("CO"), and 3.0 grams per horsepower-hour ("g/hp-hr") of CO. Specifically, during an April 2, 2007 reference method stack test of Engine 20G-437 the emissions were as follows: 4.63 lbs/hr of NOx, 3.95 lbs/hr of CO, and 6.99 g/hp-hr of CO [Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 117.206(e)(1)(B) [now 30 TEX. ADMIN. CODE § 117.310(c)(1)], and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to submit the reference method stack test report of Engine 20G-437 by March 31, 2007. Specifically, the reference method stack test report of Engine 20G-437 was due by March 31, 2007, however it was not submitted until May 2, 2007 [30 TEX. ADMIN. CODE § 117.520(c)(2)(C)(i) [now 30 TEX. ADMIN. CODE § 117.9020(2)(C)(i)] AND TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with the 0.24 lbs/hr CO emissions limit for Diesel Hydroblaster Engine 31G-2350. Specifically, during a March 14, 2007 reference method stack test of Diesel Hydroblaster Engine 31G-2350 the CO emissions were 0.33 lbs/hr</p>	<p><b>Total Assessed:</b> \$33,250</p> <p><b>Total Deferred:</b> \$6,650  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$13,300</p> <p><b>Total Paid to General Revenue:</b> \$13,300</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective actions at the Plant:</p> <p>a. Removed Engine 20G-437 from service on July 25, 2007; and</p> <p>b. Submitted the reference method stack test report of Engine 20G-437 on May 2, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See Attachment A)</p> <p>2. The Order will also require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Demonstrate that Diesel Hydroblaster Engine 31G-2350 is operating within the existing or amended CO emissions limit of Air Permit No. 46307; or</p> <p>ii. Demonstrate that CO emissions from Diesel Hydroblaster Engine 31G-2350 have ceased.</p> <p>3. Within 195 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i. or 2.a.ii.</p>

**RESPONDENT NAME:** Texas Petrochemicals LP

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**DOCKET NO.:** 2007-1141-AIR-E

[Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
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Additional ID No(s): HG0562P

1. The first part of the report is a general introduction to the subject of the study.

2. The second part of the report is a detailed description of the methods used in the study.

3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and a list of references.

**Attachment A**  
**Docket Number: 2007-1141-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Texas Petrochemicals LP</b>
<b>Payable Penalty Amount:</b>	<b>Twenty-Six Thousand Six Hundred Dollars (\$26,600)</b>
<b>SEP Amount:</b>	<b>Thirteen Thousand Three Hundred Dollars (\$13,300)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality.***

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088





The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

<b>DATES</b>	<b>Assigned</b>	9-Jul-2007	<b>Screening</b>	16-Jul-2007	<b>EPA Due</b>	1-Apr-2008
	<b>PCW</b>	7-Nov-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Texas Petrochemicals LP
<b>Reg. Ent. Ref. No.</b>	RN100219526
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>	
<b>Enf./Case ID No.</b>	34197
<b>Docket No.</b>	2007-1141-AIR-E
<b>Media Program(s)</b>	Air
<b>Multi-Media</b>	
<b>Admin. Penalty \$ Limit Minimum</b>	\$0
<b>Maximum</b>	\$10,000
<b>No. of Violations</b>	3
<b>Order Type</b>	1660
<b>Enf. Coordinator</b>	Rebecca Johnson
<b>EC's Team</b>	EnforcementTeam 5

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$12,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	166% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$20,750</b>
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Notes

Penalty enhancement due to 13 NOVs issued for same or similar violations, six NOVs issued for unrelated violations, two agreed orders with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to one Notice of Audit submitted.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Extraordinary  
Ordinary  
N/A

Before NOV	NOV to EDPRP/Settlement Offer
X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts  
Approx. Cost of Compliance

\$778
\$22,100

0% Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6

\$0

### SUM OF SUBTOTALS 1-7

Final Subtotal

\$33,250

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$33,250

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$33,250

### DEFERRAL

20%

Reduction

Adjustment

-\$6,650

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

### PAYABLE PENALTY

\$26,600

Screening Date 16-Jul-2007

Docket No. 2007-1141-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 34197

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	13	65%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 166%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Penalty enhancement due to 13 NOVs issued for same or similar violations, six NOVs issued for unrelated violations, two agreed orders with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to one Notice of Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 166%

<b>Screening Date</b>	16-Jul-2007	<b>Docket No.</b>	2007-1141-AIR-E	<b>PCW</b>
<b>Respondent</b>	Texas Petrochemicals LP	Policy Revision 2 (September 2002) PCW Revision June 26, 2007		
<b>Case ID No.</b>	34197			
<b>Reg. Ent. Reference No.</b>	RN100219526			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Rebecca Johnson			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	Air Permit No. 46307, Special Condition No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 117.206(e)(1)(B) [now 30 Tex. Admin. Code § 117.310(c)(1)], and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the following emissions limits for Engine 20G-437: 1.13 pounds per hour ("lbs/hr") of nitrogen oxides ("NOx"), 0.28 lbs/hr of carbon monoxide ("CO"), and 3.0 grams per horsepower-hour ("g/hp-hr") of CO. Specifically, during an April 2, 2007 reference method stack test of Engine 20G-437 the emissions were as follows: 4.63 lbs/hr of NOx, 3.95 lbs/hr of CO, and 6.99 g/hp-hr of CO.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Estimated unauthorized emissions of 119 lbs of NOx and 47 lbs of CO were calculated based upon the hours of operation for Engine 20G-437.			
<b>Adjustment</b>				\$7,500
				\$2,500
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="2"/>	<b>Number of violation days</b>	
		<input type="text" value="114"/>		
mark only one with an x	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$5,000"/>
Two quarterly events are recommended based on the April 2, 2007 reference method stack test to July 25, 2007 when Engine-20G-437 was taken out of service.				
<b>Economic Benefit (EB) for this violation</b>				
<b>Estimated EB Amount</b>		<input type="text" value="\$234"/>	<b>Statutory Limit Test</b>	
			<b>Violation Final Penalty Total</b> <input type="text" value="\$13,300"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$13,300"/>

**Economic Benefit Worksheet**

Respondent Texas Petrochemicals LP  
Case ID No. 34197  
Reg. Ent. Reference No. RN100219526  
Media Air  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$15,000	2-Apr-2007	25-Jul-2007	0.3	\$234	n/a	\$234

**Notes for DELAYED costs**

Estimated cost to implement measures designed to ensure that Engine 20G-437 operates within the required emissions limits. Date required based on the date of the non-compliant reference method stack test. Final date based on the date Engine 20G-437 was taken out of service.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$15,000

**TOTAL**

\$234

<b>Screening Date</b> 16-Jul-2007	<b>Docket No.</b> 2007-1141-AIR-E	<b>PCW</b>
<b>Respondent</b> Texas Petrochemicals LP	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 34197	<small>PCW Revision June 26, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN100219526		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Rebecca Johnson		
<b>Violation Number</b> 2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 117.520(c)(2)(C)(i) [now 30 Tex. Admin. Code § 117.9020(2)(C)(i)] and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to submit the reference method stack test report of Engine 20G-437 by March 31, 2007. Specifically, the reference method stack test report of Engine 20G-437 was due by March 31, 2007, however it was not submitted until May 2, 2007.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
			Major	Moderate	Minor
<b>OR</b>	<b>Release</b>				
	<b>Actual</b>				
	<b>Potential</b>				
				<b>Percent</b>	0%

**>> Programmatic Matrix**

		<b>Falsification</b>			
			Major	Moderate	Minor
			x		
				<b>Percent</b>	25%

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events	1	32	Number of violation days
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		<b>daily</b>			
			monthly		
<small>mark only one with an x</small>			quarterly		
			semiannual		
			annual		
			single event	x	

**Violation Base Penalty** \$2,500

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$0	<b>Violation Final Penalty Total</b> \$6,650
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$6,650	



## Economic Benefit Worksheet

**Respondent** Texas Petrochemicals LP  
**Case ID No.** 34197  
**Reg. Ent. Reference No.** RN100219528  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	31-Mar-2007	2-May-2007	0.1	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the reference method stack test report. Date required based on the date the report was due. Final date based on the compliance date.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100TOTAL \$0



<b>Screening Date</b> 16-Jul-2007		<b>Docket No.</b> 2007-1141-AIR-E		<b>PCW</b>	
<b>Respondent</b> Texas Petrochemicals LP		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 34197		<i>PCW Revision June 26, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN100219526					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Rebecca Johnson					
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">3</div>			
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">Air Permit No. 46307, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c) and Tex. Health &amp; Safety Code § 382.085(b)</div>			
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 2px;">Failed to comply with the 0.24 lbs/hr CO emissions limit for Diesel Hydroblaster Engine 31G-2350. Specifically, during a March 14, 2007 reference method stack test of Diesel Hydroblaster Engine 31G-2350 the CO emissions were 0.33 lbs/hr.</div>			
<b>Base Penalty</b>					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
<b>Percent</b>					<div style="border: 1px solid black; padding: 2px;">25%</div>
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
<b>Percent</b>					<div style="border: 1px solid black; padding: 2px;">0%</div>
<b>Matrix Notes</b>		<div style="border: 1px solid black; padding: 2px;">Estimated unauthorized emissions of 18.81 lbs of CO were calculated based upon the hours of operation for Engine 31G-2350.</div>			
<b>Adjustment</b>					<div style="border: 1px solid black; padding: 2px;">\$7,500</div>
					<div style="border: 1px solid black; padding: 2px;">\$2,500</div>
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<div style="border: 1px solid black; padding: 2px;">2</div>	<b>Number of violation days</b>		
		<div style="border: 1px solid black; padding: 2px;">182</div>			
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	quarterly	x			
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
<b>Violation Base Penalty</b>					<div style="border: 1px solid black; padding: 2px;">\$5,000</div>
<div style="border: 1px solid black; padding: 2px;">Two quarterly events are recommended based on the March 14, 2007 reference method stack test to the September 12, 2007 screening date.</div>					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px;">\$544</div>	<b>Violation Final Penalty Total</b>		<div style="border: 1px solid black; padding: 2px;">\$13,300</div>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<div style="border: 1px solid black; padding: 2px;">\$13,300</div>

**Economic Benefit Worksheet**

Respondent Texas Petrochemicals LP  
Case ID No. 34197  
Reg. Ent. Reference No. RN100219526  
Media Air  
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$7,000	14-Mar-2007	1-Oct-2008	1.6	\$544	n/a	\$544
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to obtain a permit amendment to authorize the additional emissions. Date required based on the date of the non-compliant reference method stack test. Final date based on the estimated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$7,000

**TOTAL**

\$544

## Compliance History

Customer/Respondent/Owner-Operator:	CN600130322 Texas Petrochemicals LP	Classification: AVERAGE	Rating: 7.47
Regulated Entity:	RN100219526 TEXAS PETROCHEMICALS HOUSTON FACILITY	Classification: AVERAGE	Site Rating: 7.16
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P
	AIR OPERATING PERMITS	PERMIT	1598
	AIR OPERATING PERMITS	PERMIT	2884
	AIR NEW SOURCE PERMITS	PERMIT	1341A
	AIR NEW SOURCE PERMITS	PERMIT	1766
	AIR NEW SOURCE PERMITS	PERMIT	4136
	AIR NEW SOURCE PERMITS	PERMIT	4238A
	AIR NEW SOURCE PERMITS	PERMIT	10296
	AIR NEW SOURCE PERMITS	PERMIT	10323A
	AIR NEW SOURCE PERMITS	PERMIT	10352A
	AIR NEW SOURCE PERMITS	PERMIT	10675A
	AIR NEW SOURCE PERMITS	PERMIT	10840A
	AIR NEW SOURCE PERMITS	PERMIT	11427A
	AIR NEW SOURCE PERMITS	PERMIT	11801
	AIR NEW SOURCE PERMITS	PERMIT	11801A
	AIR NEW SOURCE PERMITS	PERMIT	13805A
	AIR NEW SOURCE PERMITS	PERMIT	13806A
	AIR NEW SOURCE PERMITS	PERMIT	15606
	AIR NEW SOURCE PERMITS	PERMIT	16351
	AIR NEW SOURCE PERMITS	PERMIT	19806
	AIR NEW SOURCE PERMITS	PERMIT	22052
	AIR NEW SOURCE PERMITS	PERMIT	24187
	AIR NEW SOURCE PERMITS	PERMIT	28410
	AIR NEW SOURCE PERMITS	PERMIT	37317
	AIR NEW SOURCE PERMITS	PERMIT	40807
	AIR NEW SOURCE PERMITS	PERMIT	43252
	AIR NEW SOURCE PERMITS	PERMIT	43536
	AIR NEW SOURCE PERMITS	PERMIT	44268
	AIR NEW SOURCE PERMITS	PERMIT	44488
	AIR NEW SOURCE PERMITS	PERMIT	44686
	AIR NEW SOURCE PERMITS	PERMIT	44927
	AIR NEW SOURCE PERMITS	PERMIT	46307
	AIR NEW SOURCE PERMITS	PERMIT	46426
	AIR NEW SOURCE PERMITS	PERMIT	46456
	AIR NEW SOURCE PERMITS	PERMIT	47147
	AIR NEW SOURCE PERMITS	PERMIT	47393
	AIR NEW SOURCE PERMITS	PERMIT	48550
	AIR NEW SOURCE PERMITS	PERMIT	49829
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P
	AIR NEW SOURCE PERMITS	AFS NUM	4820100031
	AIR NEW SOURCE PERMITS	REGISTRATION	71443
	AIR NEW SOURCE PERMITS	REGISTRATION	71687
	AIR NEW SOURCE PERMITS	PERMIT	50761
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX999
	AIR NEW SOURCE PERMITS	REGISTRATION	77348
	AIR NEW SOURCE PERMITS	REGISTRATION	77347
	AIR NEW SOURCE PERMITS	REGISTRATION	77346
	AIR NEW SOURCE PERMITS	REGISTRATION	77345
	AIR NEW SOURCE PERMITS	REGISTRATION	77344
	AIR NEW SOURCE PERMITS	REGISTRATION	77343
	AIR NEW SOURCE PERMITS	REGISTRATION	78118
	AIR NEW SOURCE PERMITS	REGISTRATION	79933
	AIR NEW SOURCE PERMITS	REGISTRATION	79799
	AIR NEW SOURCE PERMITS	REGISTRATION	80271
	AIR NEW SOURCE PERMITS	REGISTRATION	80019
	AIR NEW SOURCE PERMITS	REGISTRATION	79947
	AIR NEW SOURCE PERMITS	REGISTRATION	80340
	AIR NEW SOURCE PERMITS	REGISTRATION	80916
	AIR NEW SOURCE PERMITS	REGISTRATION	80921
	AIR NEW SOURCE PERMITS	REGISTRATION	81648
	AIR NEW SOURCE PERMITS	REGISTRATION	81669
	AIR NEW SOURCE PERMITS	REGISTRATION	81662

AIR NEW SOURCE PERMITS	REGISTRATION	82280
AIR NEW SOURCE PERMITS	REGISTRATION	82797
AIR NEW SOURCE PERMITS	REGISTRATION	82963
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008072134
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30417
STORMWATER	PERMIT	TXR05N796
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30417

Location: 8600 PARK PLACE BLVD, HOUSTON, TX, 77017 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 19, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 10, 2002 to September 10, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/24/2004

ADMINORDER 2002-0609-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC10 PERMIT

Description: Failure to properly cap or plug open ended lines as documented during an investigation conducted on October 17, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 23 valves during the monitoring period ending March 31, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 2 repaired valves within 15 days.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC10 PERMIT

Description: Failure to adhere to LDAR monitoring schedule for pumps.

Effective Date: 04/26/2007

ADMINORDER 2005-0257-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.532  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent the unauthorized emission of 1,366 lbs of butane, 2,053 lbs of butylene isomers, 1,518 lbs of isobutylene, 5 lbs of methanol, 6 lbs of methyl tert-butyl ether, 12 lbs of pentane, and 12 lbs of propane to the atmosphere from the central gland water system during an avoidable emissions event on August 18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 2. PERMIT  
Special Condition 3.E PERMIT

Description: Failed to equip and open-ended valve with a second valve, cap, blind flange, or plug.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 3.E PERMIT

Description: Failed to ensure that there were not screwed connections on lines greater than two inches in diameter.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.781(b)(2)  
  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 18 connections within one day after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 29 components within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 12 I. PERMIT

Description: Failed to repair 97 components within 15 days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to repair 55 components within seven days after discovering a leak.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the emissions from the oily water sewer hubs which lead to the API Separator.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter H 116.814(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Provision 7.E. OP  
Special Condition 1.E (v) OP

Special Condition No. 12.E PERMIT

Description: Failure to equip five open-ended valves with a second valve, cap, blind flange or plug.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter H 116.814(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1.E.(v) OP  
Special Condition No. 12.E. OP

Description: Failed to seal three open-ended valves with a second valve, cap, blind flange, or plug.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 7.B.(i). OP

Description: Failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #46307, SC #1 PERMIT

Description: Failure to prevent unauthorized emissions of 1,290 lbs of VOCs.

Effective Date: 04/26/2007

ADMINORDER 2007-0073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failure to prevent unauthorized emissions from Tank 851 during a cleaning process on September 14, 2006, resulting in an avoidable emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit the initial notification within 24 hours and the final report within two weeks of the end of the September 14, 2006 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Release of unauthorized emissions that exceeded a reportable quantity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 46307, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 104 lbs of butane, 9,066 lbs of butene, 6 lbs of butylenes isomers, 1,560 lbs of isobutene, 910 lbs of isobutylene, 45 lbs of propane, 87 lbs of propylene from the 4D-4A-OH Line over a period of 3 hrs and 22 min during an emissions event that occurred on December 1, 2006.

**Effective Date: 08/31/2007**

**ADMINORDER 2007-0365-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failure to prevent unauthorized emissions during a December 28, 2006 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failed to prevent unauthorized emissions during a December 18, 2006 emissions event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/09/2003	(17886)
2	01/17/2003	(17931)
3	02/19/2003	(21171)
4	03/13/2003	(25806)
5	03/13/2003	(26455)
6	04/21/2003	(27289)
7	05/20/2003	(29901)
8	06/18/2003	(36257)
9	07/09/2003	(98190)
10	07/15/2003	(114135)
11	07/21/2003	(114195)
12	08/08/2003	(40801)
13	08/11/2003	(130767)

14	08/26/2003	(149809)
15	08/28/2003	(152866)
16	10/17/2003	(249451)
17	10/30/2003	(152888)
18	11/18/2003	(249532)
19	01/02/2004	(254540)
20	01/08/2004	(258394)
21	01/15/2004	(255521)
22	01/23/2004	(258353)
23	01/28/2004	(256991)
24	01/28/2004	(257009)
25	02/10/2004	(255227)
26	02/10/2004	(256355)
27	04/12/2004	(260974)
28	04/20/2004	(255875)
29	05/26/2004	(262402)
30	06/10/2004	(270492)
31	06/15/2004	(270507)
32	07/09/2004	(270285)
33	07/13/2004	(268259)
34	07/26/2004	(277574)
35	07/29/2004	(279114)
36	07/30/2004	(278578)
37	08/11/2004	(288425)
38	08/11/2004	(288800)
39	08/18/2004	(276597)
40	08/30/2004	(282027)
41	08/31/2004	(291888)
42	08/31/2004	(285908)
43	10/08/2004	(335087)
44	10/11/2004	(333747)
45	10/18/2004	(336459)
46	10/18/2004	(336854)
47	10/19/2004	(335878)
48	10/26/2004	(291758)
49	11/02/2004	(339528)
50	11/11/2004	(289544)
51	11/11/2004	(292795)
52	11/22/2004	(339425)
53	12/13/2004	(339426)
54	12/16/2004	(293258)
55	01/05/2005	(345579)
56	01/21/2005	(342214)
57	02/03/2005	(349418)
58	02/18/2005	(345797)
59	04/07/2005	(347336)
60	04/07/2005	(347331)
61	04/18/2005	(374447)
62	04/19/2005	(377616)
63	05/05/2005	(373870)
64	05/10/2005	(380624)
65	05/13/2005	(373465)
66	05/31/2005	(376325)
67	06/06/2005	(378762)
68	07/07/2005	(394060)
69	08/08/2005	(394042)
70	08/11/2005	(374658)
71	08/23/2005	(404475)
72	08/23/2005	(402060)
73	08/24/2005	(402041)
74	08/24/2005	(333418)
75	08/26/2005	(401337)
76	08/29/2005	(404046)
77	08/29/2005	(405738)
78	08/31/2005	(418954)
79	08/31/2005	(402446)



80	09/27/2005	(405860)
81	02/23/2006	(455880)
82	02/25/2006	(456997)
83	02/27/2006	(457159)
84	02/28/2006	(457074)
85	03/13/2006	(450068)
86	03/13/2006	(450024)
87	03/13/2006	(450051)
88	04/04/2006	(458283)
89	04/04/2006	(458271)
90	04/04/2006	(461031)
91	04/28/2006	(458466)
92	05/30/2006	(480219)
93	05/30/2006	(480237)
94	05/30/2006	(480292)
95	05/30/2006	(480297)
96	05/30/2006	(480287)
97	05/30/2006	(480133)
98	05/30/2006	(471013)
99	05/30/2006	(480300)
100	05/30/2006	(480289)
101	05/30/2006	(459802)
102	05/30/2006	(480277)
103	05/30/2006	(480141)
104	05/30/2006	(480099)
105	05/30/2006	(480302)
106	05/30/2006	(480303)
107	05/30/2006	(480304)
108	05/30/2006	(480245)
109	05/30/2006	(480305)
110	05/30/2006	(480306)
111	05/30/2006	(480308)
112	05/30/2006	(480311)
113	05/30/2006	(480313)
114	05/30/2006	(480314)
115	05/30/2006	(480315)
116	05/30/2006	(480233)
117	05/30/2006	(480265)
118	05/30/2006	(478963)
119	05/30/2006	(480222)
120	05/30/2006	(480200)
121	05/30/2006	(480206)
122	05/30/2006	(480282)
123	05/30/2006	(477634)
124	05/30/2006	(480186)
125	05/31/2006	(480637)
126	05/31/2006	(480638)
127	05/31/2006	(480639)
128	05/31/2006	(480640)
129	05/31/2006	(480641)
130	05/31/2006	(480642)
131	05/31/2006	(480643)
132	05/31/2006	(480644)
133	05/31/2006	(480645)
134	05/31/2006	(480646)
135	05/31/2006	(480530)
136	05/31/2006	(480647)
137	05/31/2006	(480648)
138	05/31/2006	(480649)
139	05/31/2006	(480651)
140	05/31/2006	(480653)
141	05/31/2006	(480468)
142	05/31/2006	(480654)
143	05/31/2006	(480610)
144	05/31/2006	(480655)
145	05/31/2006	(480226)
146	05/31/2006	(480656)

147	05/31/2006	(480244)
148	05/31/2006	(480569)
149	05/31/2006	(480631)
150	05/31/2006	(480197)
151	05/31/2006	(480263)
152	05/31/2006	(480425)
153	05/31/2006	(480445)
154	05/31/2006	(480455)
155	05/31/2006	(480246)
156	05/31/2006	(480623)
157	05/31/2006	(480242)
158	05/31/2006	(480502)
159	05/31/2006	(480634)
160	05/31/2006	(480214)
161	05/31/2006	(480635)
162	05/31/2006	(480254)
163	05/31/2006	(480866)
164	05/31/2006	(480479)
165	07/21/2006	(481873)
166	07/21/2006	(481904)
167	07/21/2006	(481780)
168	07/27/2006	(459885)
169	08/08/2006	(462831)
170	08/28/2006	(488585)
171	08/28/2006	(488528)
172	08/28/2006	(488643)
173	08/31/2006	(488584)
174	10/30/2006	(487750)
175	11/17/2006	(518574)
176	12/05/2006	(532642)
177	12/21/2006	(534110)
178	12/21/2006	(534106)
179	01/04/2007	(534107)
180	02/01/2007	(533800)
181	02/07/2007	(539409)
182	03/02/2007	(538543)
183	03/09/2007	(542643)
184	03/20/2007	(542634)
185	03/30/2007	(512156)
186	04/25/2007	(557786)
187	05/08/2007	(542720)
188	05/09/2007	(538778)
189	07/06/2007	(566435)
190	07/26/2007	(567778)
191	08/20/2007	(572373)
192	08/24/2007	(573306)
193	09/07/2007	(593363)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date:** 06/30/2003 (60730)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Failure to control emissions of heavy oils (12 Carbons- 20 Carbons).

**Date:** 08/08/2003 (40801)

Self Report? NO

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to not cause, suffer, allow, or permit air contaminants in violation of commission rules.

Self Report? NO

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to be authorized by a commission rule and permitted air contaminants in violation of commission rules

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the record keeping requirements that TPC submit the proper compound descriptive type of all individually listed compounds or mixtures of air contaminants.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
Description: Failure to meet the record keeping requirements that TPC submit the proper authorized emissions limits for the facility involved in the final record.

**Date: 02/10/2004 (255227)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
Description: Failure to maintain opacity of emissions within the allowable limit of 20% for a period of six minutes at Boiler Nos. 4 and 8.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PA TCEQ Air Permit 1341A  
Description: Failure to comply with special provision No. 3 of TCEQ Air permit #1341A.

**Date: 05/26/2004 (262402)**

Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 106, SubChapter X 106.532(1)(O)  
30 TAC Chapter 115, SubChapter B 115.137(a)(2)  
Rqmt Prov: PA September 4, 2000  
Description: Failure to adhere to permit conditions, such that the psia of 2.0 for the fuel oil in the wastewater treatment system exceeded the permitted and regulated limits.

**Date: 08/30/2004 (282027)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(12)  
Description: The company failed to submit additional information necessary to evaluate an emissions event when requested by the director or any air pollution control agency with jurisdiction, within the time frames established in the request as specified in 30 TAC 101.201(b)(12) and 30 TAC Chapter 101.201(a)(4).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
Description: The regulated entity is in violation of 30 TAC Chapter 115.112(a)(1) which states no person shall place, store, or hold in any stationary tank, reservoir, or other container any volatile organic compound (VOC) unless such container is capable of maintaining working pressure sufficient at all times.

**Date: 05/05/2005 (373870)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307, SC 9C  
Description: Failure to control smoke from a flare resulting in an exceedance of the 5 minute time period in any two hours.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)  
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307 GC #7  
Description: Failure to maintain information required to demonstrate compliance with the general condition number 7 of TCEQ Air Permit No. 46307.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307 SC 1  
Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
Description: Failure to submit the final record for an emissions event

**Date: 06/06/2005 (378762)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
Description: Failure to maintain opacity of emissions less than 20% at the Boiler #9 Stack.

**Date:** 08/08/2005 (394042)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)

Description: Failure to submit information by the due date.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to obtain a permit amendment for emissions from the D-100 Tower.

**Date:** 08/26/2005 (401337)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)

Rqmt Prov: PERMIT TCEQ VERP Permit 46307 SC 8B

Description: Failed to meet the requirements specified under TCEQ Source Sampling Procedure Manual Appendix P, 5.1.1.3, which requires samples should be drawn from either the vertical section near the base of the riser pipe or the top of a horizontal section prior to the riser pipe at a location where the pipe will be full.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(I)

30 TAC Chapter 116, SubChapter H 116.814(a)

Rqmt Prov: PERMIT TCEQ VERP 46307 GC 7

PERMIT TCEQ VERP 46307 SC 8B

Description: Failed to document "Zero Air Check", "Stabilization Time" and "Water Blank Check" as required by Manual Appendix P.

**Date:** 03/13/2006 (450024)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)

Description: Failed to monitor CO emissions when the RATA was conducted for the NOx and O2 CEMS.

**Date:** 03/13/2006 (450051)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)

Description: Failed to monitor CO when the RATA was conducted for the NOx and O2 CEMS.

**Date:** 03/13/2006 (450068)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)

Description: Failed to monitor CO emissions when the RATA was conducted for the NOx and O2 analyzers.

**Date:** 07/31/2006 (459885)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(I)(I)

Description: RE failed to submit stack test reports on time.

**Date:** 08/29/2006 (466376)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Found to be in violation of 30 TAC Chapter 101.4 and 5C THC Chapter 382.085(b) for failure to control emissions.

**Date:** 08/31/2006 (488584)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open ended lines.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1

Description: Failure to plug open-ended lines.

Self Report? NO

Classification: Minor

Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.206(i) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to comply with 30 TAC 1170206(i) by operating pump between the hours of 6:00 AM to noon.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to document presence and frequency of drips and to the sensor that indicates failure of the seal system for the 23 pumps.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(e)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598		
Description:	Failure to conduct daily inspection on the Number 5 compressor seal system sensor, which did not have an alarm system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.782(b)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, 1A		
Description:	Failure repair leaking connector within 15 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(A) 30 TAC Chapter 115, SubChapter H 115.781(b)		

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 OP O-01598, SC 1A  
 Rqmt Prov: Failure to monitor 18 pumps.  
 Description:  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 OP O-01598  
 Rqmt Prov: Failure to provide 30-day refilling notice to the IFR tank T-73.  
 Description:  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 OP O-01598, SC 1A  
 Rqmt Prov: Failure to repair a leaking fugitive valve that is HRVOC service within 7 days.  
 Description:  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 OP O-01598, SC 1A  
 Rqmt Prov: Failure to conduct first attempt repair on a leaking valve in HRVOC service within one day.  
 Description:  
 Date: 11/17/2006 (518574)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)  
 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(B)  
 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(C)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
 Description: The facility was unable to document any refusal of state or local agencies to enter into arrangements to provide emergency response.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)(1)  
 Description: NOR Unit 009-Tank: This unit has been removed. No notification regarding the removal of this tank, has been provided.  
 Unit 019 Tank: This unit has been converted from hazardous waste use to product use. The unit should go through the closure process.  
 Date: 12/21/2006 (534110)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1  
 Description: Release of unauthorized emissions that exceeded a reportable quantity.  
 Date: 12/21/2006 (534106)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1  
 Description: Operator inadvertently left a valve open resulting in unauthorized emissions.  
 Date: 08/21/2007 (572373)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1  
 Description: Failure to demonstrate an affirmative defense.

F. Environmental audits.

Notice of Intent Date: 05/11/2006 (467603)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

224

*Journal of Interpersonal Violence*

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TEXAS PETROCHEMICALS LP  
RN100219526**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1141-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Petrochemicals LP ("Texas Petrochemicals") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Texas Petrochemicals appear before the Commission and together stipulate that:

1. Texas Petrochemicals owns and operates a chemical manufacturing plant at 8600 Park Place Boulevard in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Texas Petrochemicals agree that the Commission has jurisdiction to enter this Agreed Order, and that Texas Petrochemicals is subject to the Commission's jurisdiction.
4. Texas Petrochemicals received notices of the violations alleged in Section II ("Allegations") on or about July 11, 2007 and September 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Texas Petrochemicals of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Three Thousand Two Hundred Fifty Dollars (\$33,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Texas Petrochemicals has paid Thirteen Thousand Three Hundred Dollars



(\$13,300) of the administrative penalty and Six Thousand Six Hundred Fifty Dollars (\$6,650) is deferred contingent upon Texas Petrochemicals' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Texas Petrochemicals fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Texas Petrochemicals to pay all or part of the deferred penalty. Thirteen Thousand Three Hundred Dollars (\$13,300) shall be conditionally offset by Texas Petrochemicals' completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Texas Petrochemicals have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Texas Petrochemicals has implemented the following corrective actions at the Plant:
  - a. Removed Engine 20G-437 from service on July 25, 2007; and
  - b. Submitted the reference method stack test report of Engine 20G-437 on May 2, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Texas Petrochemicals has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, Texas Petrochemicals is alleged to have:

1. Failed to comply with the following emissions limits for Engine 20G-437: 1.13 pounds per hour ("lbs/hr") of nitrogen oxides ("NOx"), 0.28 lbs/hr of carbon monoxide ("CO"), and 3.0 grams per horsepower-hour ("g/hp-hr") of CO, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 117.206(e)(1)(B) [now 30 TEX. ADMIN. CODE § 117.310(c)(1)], and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 16, 2007. Specifically, during an April 2, 2007 reference method stack test of Engine 20G-437 the emissions were as follows: 4.63 lbs/hr of NOx, 3.95 lbs/hr of CO, and 6.99 g/hp-hr of CO.



2. Failed to submit the reference method stack test report of Engine 20G-437 by March 31, 2007, in violation of 30 TEX. ADMIN. CODE § 117.520(c)(2)(C)(i) [now 30 TEX. ADMIN. CODE § 117.9020(2)(C)(i)] and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 16, 2007. Specifically, the reference method stack test report of Engine 20G-437 was due by March 31, 2007, however it was not submitted until May 2, 2007.
3. Failed to comply with the 0.24 lbs/hr CO emissions limits for Diesel Hydroblaster Engine 31G-2350, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 23, 2007. Specifically, during a March 14, 2007 reference method stack test of Diesel Hydroblaster Engine 31G-2350 the CO emissions were 0.33 lbs/hr.

### III. DENIALS

Texas Petrochemicals generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Texas Petrochemicals pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Texas Petrochemicals' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Petrochemicals LP, Docket No. 2007-1141-AIR-E" to:  
  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Texas Petrochemicals shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirteen Thousand Three Hundred Dollars (\$13,300) of the assessed administrative penalty shall be offset with the condition that Texas Petrochemicals implement the SEP defined in Attachment A, incorporated herein by reference. Texas Petrochemicals' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that Texas Petrochemicals shall undertake the following technical requirements:
  - a. Within 180 days after the effective date of this Agreed Order:
    - i. Demonstrate that Diesel Hydroblaster Engine 31G-2350 is operating within the existing or amended CO emissions limit of Air Permit No. 46307; or



- ii. Demonstrate that CO emissions from Diesel Hydroblaster Engine 31G-2350 have ceased.
- b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.i. or 3.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Manager, Air Section  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023

- 4. The provisions of this Agreed Order shall apply to and be binding upon Texas Petrochemicals. Texas Petrochemicals is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If Texas Petrochemicals fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Texas Petrochemicals' failure to comply is not a violation of this Agreed Order. Texas Petrochemicals shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Texas Petrochemicals shall notify the Executive Director within seven days after Texas Petrochemicals becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and





substantiated showing of good cause. All requests for extensions by Texas Petrochemicals shall be made in writing to the Executive Director. Extensions are not effective until Texas Petrochemicals receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

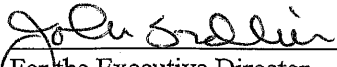
7. This Agreed Order, issued by the Commission, shall not be admissible against Texas Petrochemicals in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Texas Petrochemicals, or three days after the date on which the Commission mails notice of the Order to Texas Petrochemicals, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 3/4/2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 11/14/07

CHRISTOPHER A. ALTZER  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Texas Petrochemicals LP

VP + GENERAL COUNSEL  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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**Attachment A**  
**Docket Number: 2007-1141-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Texas Petrochemicals LP</b>
<b>Payable Penalty Amount:</b>	<b>Twenty-Six Thousand Six Hundred Dollars (\$26,600)</b>
<b>SEP Amount:</b>	<b>Thirteen Thousand Three Hundred Dollars (\$13,300)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088





The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

